

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GIOVANNI BARRICELLI, individually and)	
on behalf of all other similarly situated)	
current and former employees,)	
)	
Plaintiff,)	Case No. No. 3:19-cv-00136
)	
v.)	Chief Judge Crenshaw
)	Magistrate Judge Newbern
ST LOGISTICS, LLC, d/b/a SOLDIER)	
DELIVERY, a Wisconsin limited liability)	
company, and TRAVIS SMITH, individually,)	
)	
Defendants.)	

JOINT MOTION TO STAY ACTION PENDING MEDIATION

Named Plaintiff Giovanni Barricelli and Defendants ST Logistics, LLC, and Travis Smith (hereinafter “Defendants”), through undersigned counsel, jointly move the Court for an Order staying the case pending mediation as set forth below. In support of this Motion, the Parties state that they stipulate and agree as follows:

1. Defendants deny the allegations contained in Plaintiffs’ Motion for Conditional Certification and Notice to Putative Class Members (Doc. 46-47), believe that they have a good faith basis for opposing that Motion and contend that any such class will eventually be decertified by the Court. However, after conferral, the parties have agreed that, solely to preserve resources and in the interests of judicial economy, and in lieu of protracted briefing on the question, Named Plaintiff and Defendants will stipulate to the Court’s conditional certification and authorization of issuance of notice in this case for a limited class consisting of certain Nashville drivers who were paid using the same pay method as was the Named Plaintiff.

2. The Parties anticipate filing on or before March 12, 2020, a Joint Stipulation defining the Conditional Class, addressing the parties' agreements concerning the timing and logistics of the notice process and proposing an agreed Notice and Consent Form for approval by the Court.

3. The Parties agree to participate in a private mediation no later than 60 days after the close of the notice and opt-in period.

4. The Parties agree that this case should be stayed in its entirety pending mediation, except as expressly set forth in this Joint Motion and the Joint Stipulation.

5. If the parties do not reach an agreement on a settlement of this matter as a result of mediation, within 14 days following the mediation, the parties shall move to set a case management conference as set forth in Paragraph I of the Initial Case Management Order (Doc. 38).

6. The parties have agreed that nothing in this Joint Motion or in the Joint Stipulation shall be construed to waive, prejudice, or impact any arguments by Defendants with respect to whether this case should ultimately proceed as a collective action at trial or any other issue or argument that may relate to decertification, jurisdiction or the merits of this case. Plaintiff agrees that this Joint Motion and the Joint Stipulation will in no way preclude or prejudice Defendants from seeking decertification of the conditionally certified Class at some later date, filing any dispositive motions or motions to dismiss and/or asserting any other appropriate defense against the claims of the Named Plaintiff, Opt-In Plaintiffs or the Conditional Class members. Plaintiff agrees that Defendants will not have waived any defenses or arguments relating to jurisdiction merely by waiting to engage in motion practice relating to such defenses or arguments until after the parties have participated in a mediation.

Respectfully submitted this 3rd day of March 2020.

/s/ J. Russ Bryant (w/permission)

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CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of March 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

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